

3. JANIS H. BARROW, ET AL
(Applicant)

02-4-CZ14-1 (02-11)
BCC
Hearing Date: 12/19/02

Property Owner (if different from applicant) **Janis & Ted Barrow; Michael Causley.**

Is there an option to purchase ☐/ lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

TEAM METRO SOUTH OFFICE

ENFORCEMENT HISTORY

Janis H Barrow, Et Al

APPLICANT

26025 & 26145 SW 194 AVE,
Miami-Dade County, Fl.

ADDRESS

12/19/2002

DATE

02-11

HEARING NUMBER

ENFORCEMENT HISTORY:

No Violations. As of December 2, 2002.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

Applicant Name: JANISH H. BARROW, ET AL

Representative: Janish Barrow

Objectors: _____

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: April 2, 2002

Resolution No. CZAB2-____-02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: May 29, 2002

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

Denied With Prejudice _____

Other: Pending Court ruling (Fletcher)

Revised plans accepted? YES _____

Covenant accepted? YES _____

	Yes	No	Absent
Samuel Ballinger	✓		
Wilbur B. Bell S	✓		
Mabel G. Dijkstra	✓		
Don Jones	✓		
Curtis Lawrence M	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 7 TO 0

EXHIBITS: YES _____

NO ✓

County Attorney: Ronald Bernstein

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

Applicant Name: JANIS H. BARROW, ET AL

Representative: Janis Barrow

Objectors: None

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: May 29, 2002

Resolution No. CZAB14-____-02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: Sept 25, 2002

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

Denied With Prejudice _____

Other: _____

Revised plans accepted? YES _____

Covenant accepted? YES _____

	Yes	No	Absent
Samuel L. Ballinger	✓		
Wilbur B. Bell M	✓		
Mabel G. Dijkstra			✓
Don Jones S	✓		
Curtis Lawrence	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 6 TO 0

EXHIBITS: YES _____ NO ✓

County Attorney: Ronald Bernstein

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Janis H. Barrow, et al

PH: Z02-11 (02-4-CZ14-1)

SECTION: 26-56-38

DATE: December 19, 2002

COMMISSION DISTRICT: 8

ITEM NO.: 3

=====

A. INTRODUCTION

o **REQUEST:**

THE DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING is appealing request #1 of the decision of Community Zoning Appeals Board #14 on JANIS H. BARROW, ET AL which approved the following:

- (1) Applicant is requesting approval to permit four proposed sites with the following areas: 2.8, 2.55, 2.54 and 2.29 gross acres. (The underlying zoning district regulations require 5 gross acres per site).

Approval of such request (above) may be considered under Section 33-311(A)(14)(Alternative Site Development Option), or under Section 33-311(A)(4)(c)(Alternative Non-Use Variance)(Ordinance #02-138).

Plans are on file and may be examined in the Zoning Department entitled "Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

The Director of the Department of Planning and Zoning is appealing the decision of the Community Zoning Appeals Board No. 14 which approved the subdivision of two parcels of land into four buildable lots with less lot area than required in the agricultural district.

o **LOCATION:**

26025 & 26145 S.W. 194 Avenue, Miami-Dade County, Florida.

o **SIZE:** 10 Acres.

o **IMPACT:**

This application will permit the subdivision of two parcels of land into four buildable lots which will provide two (2) additional housing units in the community. The additional 2 units will result in a minimal impact on public services.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use plan designates the subject property for **agriculture**.
2. The area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).
3. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. (Land Use Element, page I-47)

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
AU, two single family residences and groves	Agriculture
<u>Surrounding Properties:</u>	
NORTH: AU; single family residences and a grove	Agriculture
SOUTH: AU; single family residences and a grove	Agriculture
EAST: AU; single family residence	Agriculture
WEST: AU; avocado grove and a single family residence	Agriculture

The subject application is located on the east side of SW 194 Avenue, south of theoretical SW 260 Street, in the heart of the agricultural area. Large parcels of avocado groves under Brooks Brothers management lie to the west, across SW 194 Avenue. The subject parcel maintains avocado groves. The surrounding immediate neighborhood is characterized with similar large rural single-family homes and avocado groves.

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Alternative Site Development Option

A zoning application seeking a proposed alternative development involving the creation of new parcels of land smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan must comply with the following standards:

- the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development;
- the division of the parcel proposed for alternative development will not precipitate additional land division in the area.
- the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
- the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with the agricultural designation; and
- sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- will result in a significant diminution of the value of property in the immediate vicinity; or
- will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The Director of the Department of Planning and Zoning is appealing request #1 of the decision of the Community Zoning Appeals Board #14 (CZAB - 14) which approved four proposed sites with the following areas: 2.8, 2.55, 2.54 and 2.29 gross acres. (The underlying zoning district regulations require 5 gross acres per site). The Director is of the opinion that the decision of CZAB - 14 is **inconsistent** with the Miami-Dade County Comprehensive Development Master Plan. The Board's decision was based on a

finding that the resubdivision of the site request complied with the alternative site development option standards outlined in Section 33-311(A)(14).

The subject property is 10 acres and is located at 26025 & 26145 S.W. 194 Avenue. The zoning on the property is AU, Agricultural District, and the plans submitted by the applicant indicate that the property is currently developed as two 5-acre parcels with each containing 1 single-family residence. In connection with the adoption of new standards for the approval of an alternative site development, the applicants are seeking to subdivide each 5-acre parcel into two buildable sites for a total of 4 parcels which will range in lot area from 2.29 acres to 2.8 acres where 5 acres are required.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objection** to this application as stated in their memorandum pertaining to this application. The proposed subdivision will generate an additional **3 PM** daily vehicle trips to the area; however, the Public Works Department has indicated that the new trips will not affect the current Level of Services which are at LOS "C".

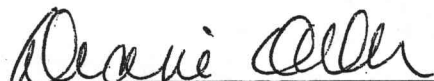
The Adopted 2005 and 2015 Land Use plan designates the subject property for agriculture. The CDMP states that the area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools. The new zoning standards for the creation of new parcels of land smaller than 5 acres in an agricultural designated area require an applicant demonstrate at a public hearing that the proposed application is in compliance with the applicable alternative site development option standards. These have been outlined under section F of this recommendation. The applicable alternative standards and the CDMP state that the creation of new parcels smaller than five acres for residential use may be approved in an area designated agriculture in the CDMP if the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development and that the division of the parcel proposed for alternative development will not precipitate additional land division in the area. Request #1 does not meet the aforementioned standards since the 2 parcels proposed for alternative development do not abut parcels that are similarly parcelized on 3 or more sides. As such, the approval of request #1 is **inconsistent** with the CDMP and does not comply with the newly adopted Alternative Site Development Standards. Based on the inconsistency with the CDMP, staff is of the opinion that the request should not be considered under the alternative non-use variance standards. In addition, the subdivision of the parcels proposed could precipitate additional land division in the area which is **incompatible** with the surrounding agricultural community. As such, staff recommends approval of the appeal to overturn the decision of CZAB – 14 as it pertains to request #1.

I. RECOMMENDATION:

Approval of the appeal and denial without prejudice of request #1.

J. CONDITIONS: None.

DATE INSPECTED: 03/12/02
DATE TYPED: 03/12/02
DATE REVISED: 03/12/02, 04/30/02, 09/09/02, 12/09/02
DATE FINALIZED: 12/09/02
DO'QW:AJT:MTF:REM:NDN



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: February 11, 2002

RECEIVED
FEB 13 2002

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE

DEPT. OF PLANNING & ZONING

F. Chelberg

SUBJECT: C-14 #Z2002000011
Janis H. Barrow, et al
26025 & 26145 SW 194th Avenue
NUV's of Lot Area, Spacing and R-O-
W Requirements to Allow the
Subdivision of an Agricultural Parcel
of Land
(AU)(10 Ac.)
26-56-38

FROM: Alyce M. Robertson, Assistant Director
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Water Supply:

Public water is not available to this site. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Wastewater Disposal:

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank system as means for the disposal of the domestic liquid waste provided that the proposed development meets the sewage loading requirements of Section 24-13(3) of the Code. Based upon the available information the proposal meets said requirements. Accordingly, DERM may approve the application and it may be scheduled for public hearing.

Stormwater Management:

All stormwater shall be retained on site utilizing properly-designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Greg Adkins, Planning Division-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Janis H. Barrow, ET AL

This Department has no objections to this application.

The two utility sheds and a carport that encroach into the right-of-way from the north property line must be removed.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9920	SW 264 St. e/o Krome Ave.	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A. Pino, P.L.S.

SEP. 10 2002

Date

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE \$

RECEIPT #

DATE HEARD: 09/25/02

BY CZAB # 14

RECEIVED
OCT 21 2002

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z02-11 (02-4-CZ 14-1)

Filed in the name of (Applicant) Janis H. Barrow

Name of Appellant, if other than applicant Director, Dept. of Planning & Zoning

Address/Location of APPELLANT'S property: 111 NW 1st St., 11th floor, Miami, Fla. 33128

Application, or part of Application being Appealed (Explanation) request #1 (subject property 26025 & 26145 SW 194 Avenue, Miami-Dade County, Florida)

Appellant (name): Director, Dept. of Planning & Zoning

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language).

1. The Community Zoning Appeals Board-14 decision is inconsistent with the Miami Dade County Comprehensive Development Master Plan
2. The CZAB - 14's decision was based upon a finding that the request complied with the alternative site development option standards Section 33-311 (A) (14) and should have been based upon a finding that the request complied with the alternative non-use variance standard as outlined in Section 33-311 (A) (4) (c).

APPELLANT MUST SIGN THIS PAGE

Date: 21 day of October, year: 2002

Signed *Diane O'Quinn Williams*

Diane O'Quinn Williams

Print Name

111 N.W. First Street, Miami, FL 33128

Mailing Address

305-375-2840

Phone

305-375-2795

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 21 day of October, year 2002

Nancy Rubin
Notary Public



Nancy Rubin

My Commission CC887043

Expires December 21, 2003

(stamp/seal)

Commission expires:

RESOLUTION NO. CZAB14-5-02

WHEREAS, JANIS H. BARROW, ET AL applied for the following:

- (1) Applicant is requesting approval to permit four proposed sites with the following areas: 2.8, 2.55, 2.54 and 2.29 gross acres. (The underlying zoning district regulations require 5 gross acres per site)
- (2) Applicant is requesting approval to permit a barn spaced 4' from a carport. (The underlying zoning district regulations require spacing of 10').

Approval of such requests (above) may be considered under §33-311(A)(14) (Alternative Site Development Option), or under §33-311 (A)(4)(c) (Alternative Non-Use Variance) (Ordinance # 02-138).

Plans are on file and may be examined in the Zoning Department entitled " Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the NW ¼ of the SE ¼ of the SW ¼ of Section 26, Township 56 South, Range 38 East, LESS the west 25' for Right-of-Way. AND: The north ½ of the NW ¼ of the SE ¼ of the SW ¼ LESS the north 205' of the west ½ of the north ½ of the NW ¼ of the SE ¼ of the SW ¼ of Section 26, Township 56 South, Range 38 East, TOGETHER with the north 205' of the west ½ of the north ½ of the NW ¼ of the SE ¼ of the SW ¼ LESS the north 25' and LESS the west 25' for right-of-way, Section 26, Township 56 South, Range 38 East.

LOCATION: 26025 & 26145 S.W. 194 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requests (Items #1 & 2) would meet the standards of the alternative site development option zoning regulation, and so promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of property values, and would not contravene the public interest standards enumerated in such regulation, with the result

that the public interest served by the underlying zoning district regulations and the CDMP will be commensurately served, and

WHEREAS, a motion to approve Items #1 & 2 under §33-311(A)(14), the Alternative Site Development Option, was offered by Curtis Lawrence, seconded by Wilbur B. Bell, and upon a poll of the members present, the vote was as follows:

Samuel L. Ballinger	absent	Don Jones	nay
Wilbur B. Bell	aye	Curtis Lawrence	aye
Mabel G. Dijkstra	aye		

Charlie McGarey nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14 that the requested application be and the same is hereby approved, subject to the following conditions:

1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages
2. That the applicant apply for and obtain a building permit and all requisite inspections for the existing barn and carport from the Building Department within 120 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning & Zoning.
3. That all the existing structures within the zoned right-of-ways be removed within 120 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning & Zoning.

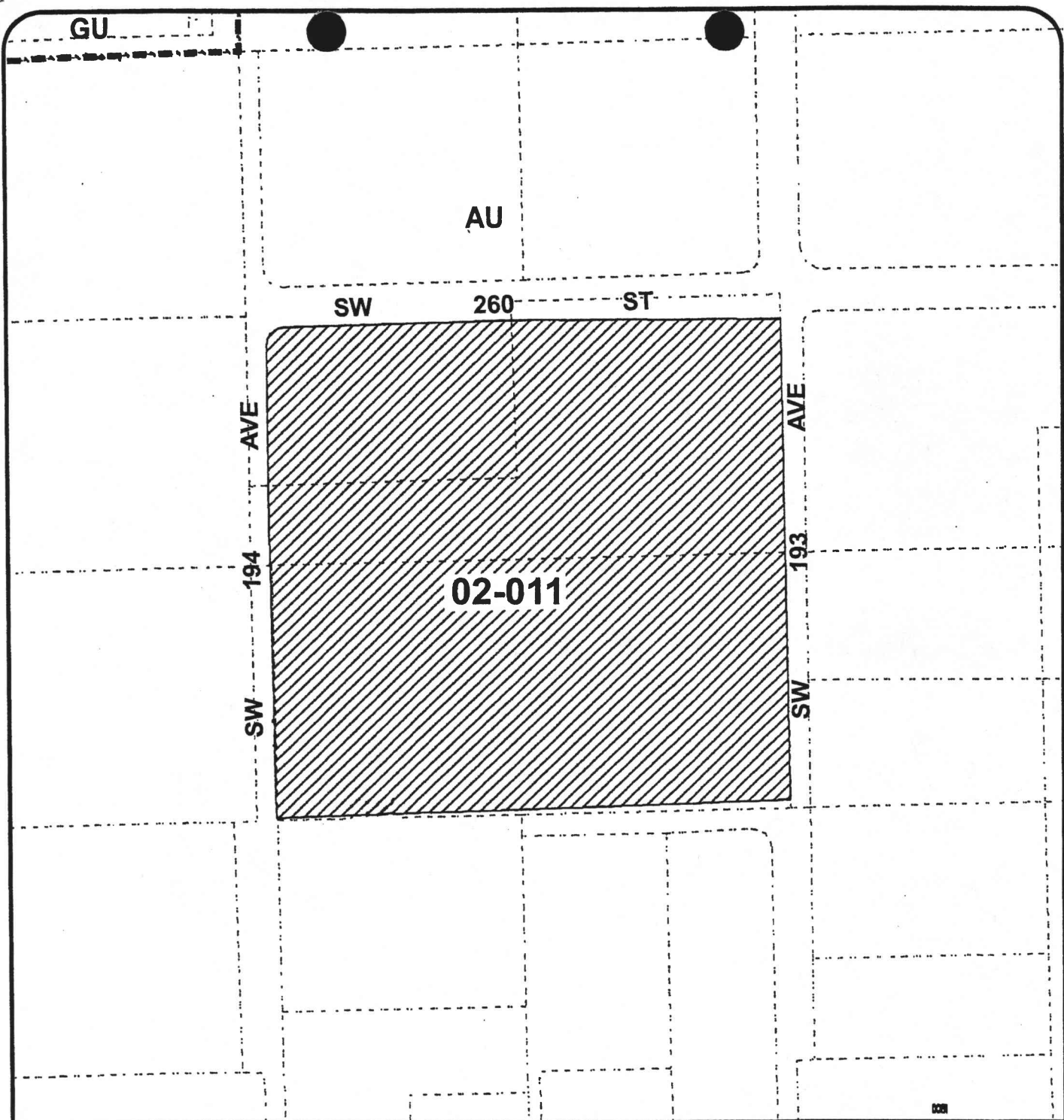
BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 25th day of September, 2002.

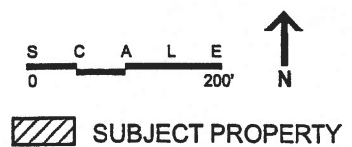
Hearing No. 02-4-CZ14-1
nr

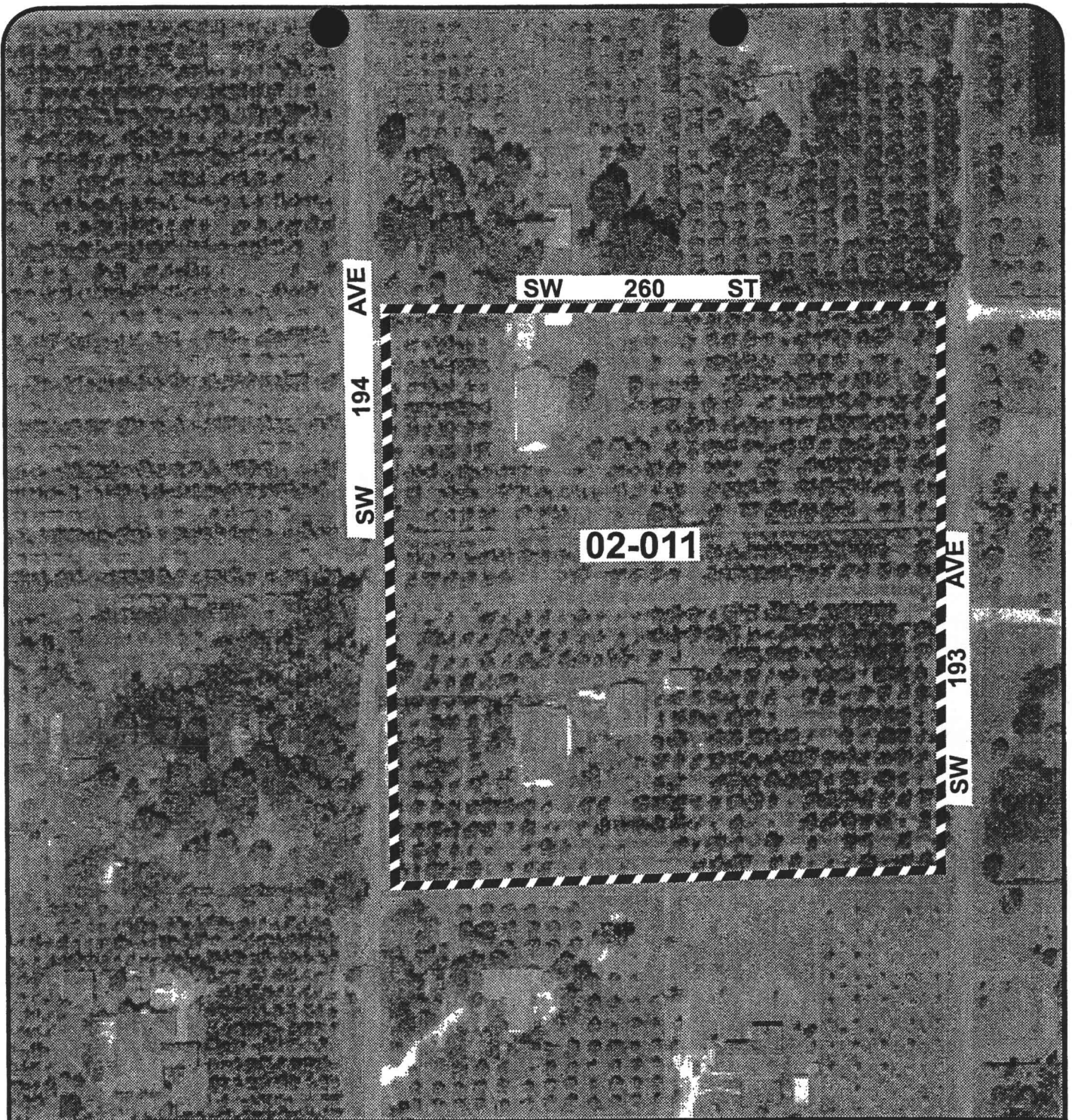
This resolution was transmitted to the Clerk of the Board of County Commissioners on the 25th
DAY OF OCTOBER, 2002.



**MIAMI-DADE COUNTY
HEARING MAP**

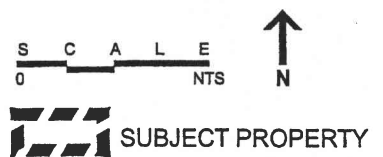
**Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'**





MIAMI-DADE COUNTY
AERIAL

Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'



MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

B Applicant Name: JANIS H. BARROW, ET AL

Representative: Janis Barrow
Gerry Dufek

Objectors: Janis B
Mike Hagger
Sidney Robinson (RCA)
Karen Estes

Hearing No. 02-4--CZ14-1 (02-11)

Hearing Date: September 25, 2002

Resolution No. CZAB14- 5 -02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: _____

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

staff: Approval with conditions of request #2
and denial of the balance of the application
approval of applicant request #1, 2
with conditions

Denied With Prejudice _____

Other: Motion to Approval of ASDO #1, 2.

Motion to Approve request (1)
with conditions

Revised plans accepted? YES _____

grant (1)
denied (2)

Covenant accepted? YES _____

Motion of
Approval of ASDO request #1, 2 with conditions:

	Yes	No	Absent
Samuel L. Ballinger			
Wilbur B. Bell S	✓		
Mabel G. Dijkstra	✓		
Don Jones		✓	
Curtis Lawrence M	✓	✓	
Dr. Pat Wade		✓	
Charlie McGarey	✓	✓	

WAVED Vote

VOTE: 3 TO 2

Motion Approved 3-to-2

EXHIBITS: YES X NO _____

County Attorney: _____

B. JANIS H. BARROW, ET AL
(Applicant)

02-4-CZ14-1 (02-11)
Area 14/District 9
Hearing Date: 9/25/02

Property Owner (if different from applicant) **Janis & Ted Barrow; Michael Causley.**

Is there an option to purchase ☐/ lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

TEAM METRO SOUTH OFFICE

ENFORCEMENT HISTORY

Janis H Barrow, Et Al

APPLICANT

26025 & 26145 SW 194 AVE,
Miami-Dade County, Fl.

ADDRESS

09/25/2002

DATE

02-11

HEARING NUMBER

ENFORCEMENT HISTORY:

No Violations. As of 08/20/2002

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

Applicant Name: JANISH H. BARROW, ET AL

Representative: Janish Barrow

Objectors: _____

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: April 2, 2002

Resolution No. CZAB2-____-02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: May 29, 2002

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

Denied With Prejudice _____

Other: Pending Court ruling (Fletcher)

Revised plans accepted? YES _____

Covenant accepted? YES _____

	Yes	No	Absent
Samuel Ballinger	✓		
Wilbur B. Bell S	✓		
Mabel G. Dijkstra	✓		
Don Jones	✓		
Curtis Lawrence M	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 7 TO 0

EXHIBITS: YES _____

NO ✓

County Attorney: Ronald Bernstein

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

Applicant Name: JANIS H. BARROW, ET AL

Representative: Janis Barrow

Objectors: None

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: May 29, 2002

Resolution No. CZAB14-____-02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: Sept 25, 2002

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

Denied With Prejudice _____

Other: _____

Revised plans accepted? YES _____

Covenant accepted? YES _____

	Yes	No	Absent
Samuel L. Ballinger	✓		
Wilbur B. Bell M	✓		
Mabel G. Dijkstra			✓
Don Jones S	✓		
Curtis Lawrence	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 6 TO 0

EXHIBITS: YES _____ NO ✓

County Attorney: Ronald Bernstein

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Janis H. Barrow, et al

PH: Z02-11 (02-4-CZ14-1)

SECTION: 26-56-38

DATE: September 25, 2002

COMMISSION DISTRICT: 9

ITEM NO.: B

=====

A. INTRODUCTION

o **REQUESTS:**

- (1) Applicant is requesting approval to permit four proposed sites with the following areas: 2.8, 2.55, 2.54 and 2.29 gross acres. (The underlying zoning district regulations require 5 gross acres per site).
- (2) Applicant is requesting approval to permit a barn spaced 4' from a carport. (The underlying zoning district regulations require spacing of 10'.

Approval of such requests (above) may be considered under Section 33-311(A)(14)(Alternative Site Development Option), or under Section 33-311(A)(4)(c)(Alternative Non-Use Variance)(Ordinance #02-138).

Plans are on file and may be examined in the Zoning Department entitled "Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will permit the applicant to subdivide two parcels of land into four buildable lots with less lot area than required. In addition, the applicant is also requesting to permit a barn to be spaced less than permitted from a carport.

o **LOCATION:**

26025 & 26145 S.W. 194 Avenue, Miami-Dade County, Florida.

o **SIZE:** 10 Acres.

o **IMPACT:**

This application will permit the subdivision of two parcels of land into four buildable lots which will provide additional housing for the community. However, the resulting increase in density will have a minimal impact on public services.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use plan designates the subject property for **agriculture**.
2. The area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).
3. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. (Land Use Element, page I-47)

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU, two single family residences and groves	Agriculture
--	-------------

Surrounding Properties:

NORTH: AU; single family residences and a grove	Agriculture
SOUTH: AU; single family residences and a grove	Agriculture
EAST: AU; single family residence	Agriculture
WEST: AU; avocado grove and a single family residence	Agriculture

The subject application is located on the east side of SW 194 Avenue, south of theoretical SW 260 Street, in the heart of the agricultural area. Large parcels of avocado groves under Brooks Brothers management lie to the west, across SW 194 Avenue. The subject parcel maintains avocado groves. The surrounding immediate neighborhood is characterized with similar large rural single-family homes and avocado groves.

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Alternative Site Development Option

A zoning application seeking a proposed alternative development involving the creation of new parcels of land smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan must comply with the following standards:

- (a) the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development;
- (b) the division of the parcel proposed for alternative development will not precipitate additional land division in the area.
- (c) the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
- (d) the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with the agricultural designation; and
- (e) sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

Any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

Any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet;

Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
 - (4) will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.
- (h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- (a) the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- (b) the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

This application was deferred from the April 2, 2002 meeting of Community Zoning Appeals Board – 14 due to litigation regarding the appropriate standards to be applied to non-use variances. It has been amended to reflect the newly adopted standards. The subject property is 10 acres and is located at 26025 & 26145 S.W. 194 Avenue. The zoning on the property is AU, Agricultural District, and the plans submitted by the applicant indicate that the property is currently developed as two 5-acre parcels with each containing 1 single-family residence. In connection with the adoption of new

standards for the approval of alternatives to the general regulations pertaining to specific zoning districts, the applicants are seeking to subdivide each 5-acre parcel into two buildable sites for a total of 4 parcels which will range in lot area from 2.29 acres to 2.8 acres where 5 acres are required. In addition, the applicant is seeking to permit a carport and barn to be spaced 4' from each other where 10' is required. Access to two of the proposed sites will be from SW 193rd Avenue and access to the other two proposed sites will be from SW 194th Avenue.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objection** to this application as stated in their memorandum pertaining to this application. The proposed development will generate an additional **3 PM** daily vehicle trips to the area; however, the Public Works Department has indicated that the new trips will not affect the current Level of Services which are at LOS "C".

The Adopted 2005 and 2015 Land Use plan designates the subject property for agriculture. The CDMP states that the area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools. In addition, the new zoning standards provide for the approval of a zoning application which can demonstrate at a public hearing that the proposed application is in compliance with the applicable alternative site development option standards. The applicable alternative standards, along with the CDMP, state that the creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. Request #1 does not meet the aforementioned standards because staff notes that although some of the adjacent properties appear to be subdivided in a manner similar to that proposed by the applicant, this application does not meet the three-sided criteria required by the CDMP and the applicable alternative standards for subdivision of parcels within the agriculturally designated area, and as such, is **inconsistent** with the CDMP and with the criteria of the Alternative Site Development Options and **incompatible** with the surrounding area. Also request #1 does not meet the alternative non-use variance standard which indicates that the applicant must show that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done. In regard to request #2 to permit a barn spaced 4' from an existing carport, the new zoning standards require any proposed alternative development not attached to a principal building, except canopy carports, to be located behind the front building line and any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet. Request #2 complies with the Alternative Development Standards and as such staff

supports said request with conditions and feels that this request is internal to the property, will not be detrimental to the adjacent residences and is **consistent** with the CDMP and **compatible** with the surrounding area.

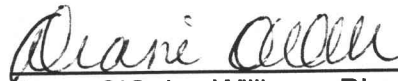
I. RECOMMENDATION:

Approval with conditions of request #2 and denial of the balance of the application.

J. CONDITIONS:

1. That the applicant apply for and obtain a building permit and all requisite inspections for the existing barn and carport from the Building Department within 120 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning and Zoning.
2. That all the existing structures within the zoned right-of-ways be removed within 120 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning and Zoning.

DATE INSPECTED: 03/12/02
DATE TYPED: 03/12/02
DATE REVISED: 03/12/02, 04/30/02, 09/09/02
DATE FINALIZED: 09/17/02
DO'QW:AJT:MTF:REM:NDN


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: February 11, 2002

SUBJECT: C-14 #Z2002000011
Janis H. Barrow, et al
26025 & 26145 SW 194th Avenue
NUV's of Lot Area, Spacing and R-O-
W Requirements to Allow the
Subdivision of an Agricultural Parcel
of Land
(AU)(10 Ac.)
26-56-38

RECEIVED
FEB 13 2002

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

F. Chelberg

FROM: Alyce M. Robertson, Assistant Director
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Water Supply:

Public water is not available to this site. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Wastewater Disposal:

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank system as means for the disposal of the domestic liquid waste provided that the proposed development meets the sewage loading requirements of Section 24-13(3) of the Code. Based upon the available information the proposal meets said requirements. Accordingly, DERM may approve the application and it may be scheduled for public hearing.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Greg Adkins, Planning Division-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Janis H. Barrow, ET AL

This Department has no objections to this application.

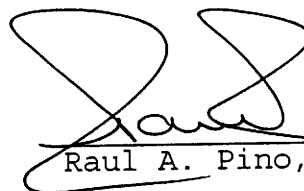
The two utility sheds and a carport that encroach into the right-of-way from the north property line must be removed.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **3 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9920	SW 264 St. e/o Krome Ave.	B	B

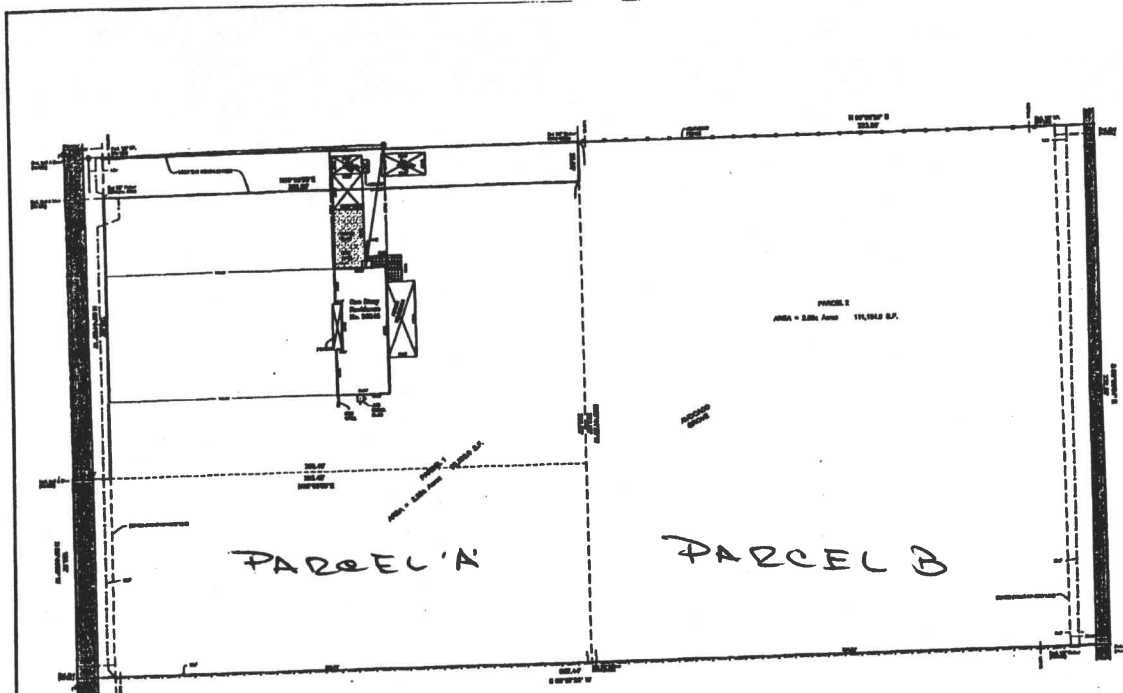
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A. Pino, P.L.S.

SEP. 10 2002

Date



LEGAL DESCRIPTION
N7E

RECEIVED
FEB 1 - 2002

ZONING
MIAMI-DRI

LEGAL DESCRIPTION
The East 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the
Section 16, Township 28 North, Range 28 East, Miami-Dade County, Florida.

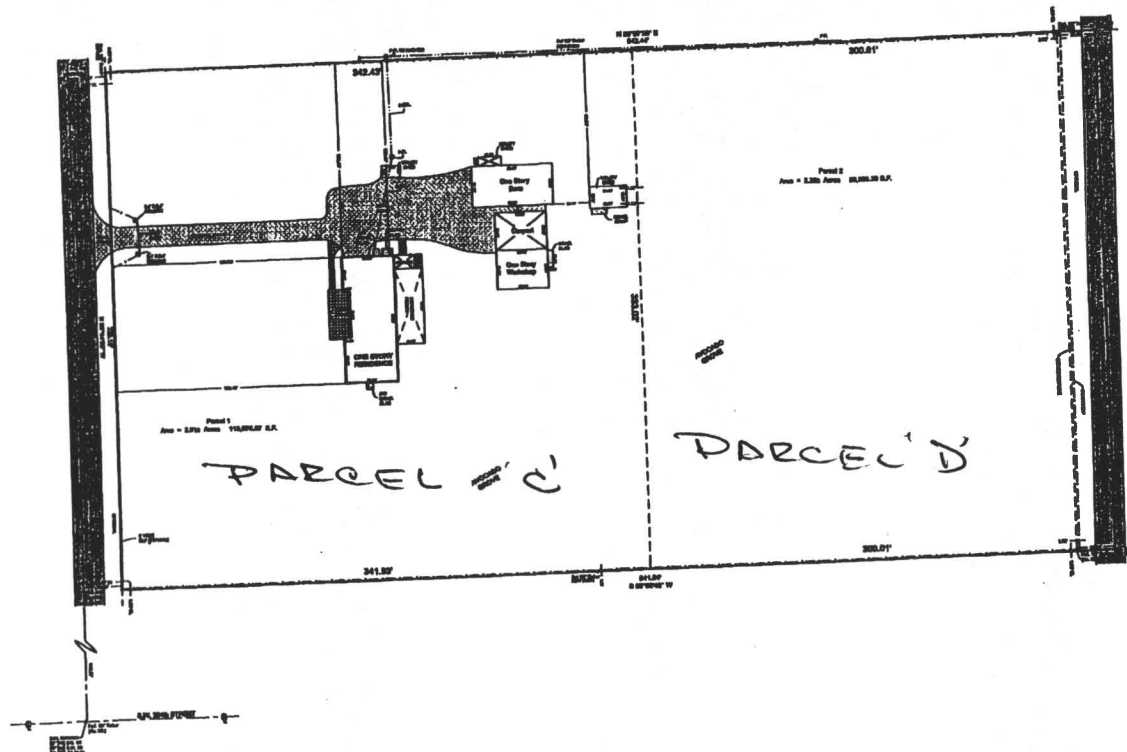
PARCEL 1
The East 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the
Section 16, Township 28 North, Range 28 East, Miami-Dade County, Florida.

PARCEL 2
The East 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the
Section 16, Township 28 North, Range 28 East, Miami-Dade County, Florida.

PREPARED FOR: Ted Brown & John Brown, 3000 S.W. 10th Avenue,
Homestead, FL 33033

NOTES:
1. All dimensions and/or measurements shown herein are of general nature. Please consult
the owner for exact dimensions.
2. All dimensions and/or measurements shown herein are of general nature. Please consult
the owner for exact dimensions.
3. All dimensions and/or measurements shown herein are of general nature. Please consult
the owner for exact dimensions.

1. Dashed Angle	2. Dashed Line	3. Dashed Line	4. Dashed Line	5. Dashed Line	6. Dashed Line	7. Dashed Line	8. Dashed Line	9. Dashed Line	10. Dashed Line	11. Dashed Line	12. Dashed Line	13. Dashed Line	14. Dashed Line	15. Dashed Line	16. Dashed Line	17. Dashed Line	18. Dashed Line	19. Dashed Line	20. Dashed Line	21. Dashed Line	22. Dashed Line	23. Dashed Line	24. Dashed Line	25. Dashed Line	26. Dashed Line	27. Dashed Line	28. Dashed Line	29. Dashed Line	30. Dashed Line	31. Dashed Line	32. Dashed Line	33. Dashed Line	34. Dashed Line	35. Dashed Line	36. Dashed Line	37. Dashed Line	38. Dashed Line	39. Dashed Line	40. Dashed Line	41. Dashed Line	42. Dashed Line	43. Dashed Line	44. Dashed Line	45. Dashed Line	46. Dashed Line	47. Dashed Line	48. Dashed Line	49. Dashed Line	50. Dashed Line	51. Dashed Line	52. Dashed Line	53. Dashed Line	54. Dashed Line	55. Dashed Line	56. Dashed Line	57. Dashed Line	58. Dashed Line	59. Dashed Line	60. Dashed Line	61. Dashed Line	62. Dashed Line	63. Dashed Line	64. Dashed Line	65. Dashed Line	66. Dashed Line	67. Dashed Line	68. Dashed Line	69. Dashed Line	70. Dashed Line	71. Dashed Line	72. Dashed Line	73. Dashed Line	74. Dashed Line	75. Dashed Line	76. Dashed Line	77. Dashed Line	78. Dashed Line	79. Dashed Line	80. Dashed Line	81. Dashed Line	82. Dashed Line	83. Dashed Line	84. Dashed Line	85. Dashed Line	86. Dashed Line	87. Dashed Line	88. Dashed Line	89. Dashed Line	90. Dashed Line	91. Dashed Line	92. Dashed Line	93. Dashed Line	94. Dashed Line	95. Dashed Line	96. Dashed Line	97. Dashed Line	98. Dashed Line	99. Dashed Line	100. Dashed Line
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LEGAL DESCRIPTION
N/A

202-11
FEB 1 - 2002

LEGAL DESCRIPTION

PARENT TRACT
The South 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36,
Township 28 South, Range 28 West, L2008 the West 28 1/4 for Right-of-Way, all lying and
within in DeKalb County, Florida.

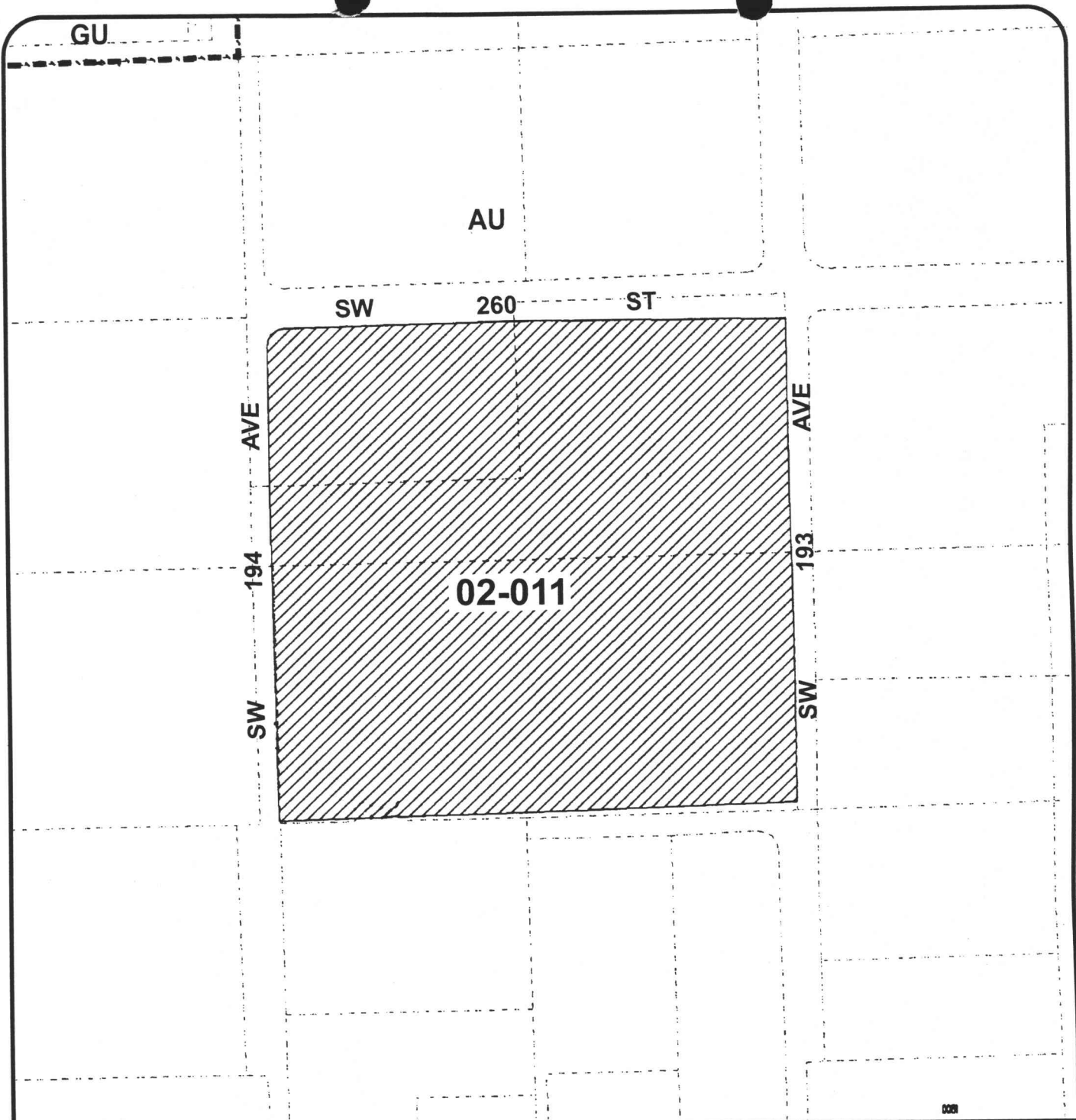
PARCEL 1
The South 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 less the East 20 feet of Section 26, Township 20 North, Range 20 East, LEASE On West 20 feet for water at 1000 feet, oil and gas, in DeSoto County, Florida.

PARCEL 2
The West 200 feet of the South 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 28, Township 23 South, Range 2E East, all lying and being in Kade County.

Public

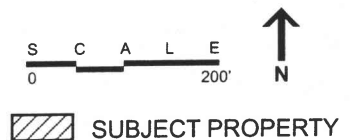
- All documents and/or attachments shown herein are of approved status. Please consult your client agent. Legal ownership of items not delineated.
- Unapproved drawings, if any, not bound.
- Drawings, if shown, are based on approved contract or Plan of Record.
- Each above image was not delineated for comments under right-of-way of record.

[illegible]



MIAMI-DADE COUNTY
HEARING MAP

Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'



**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

Applicant Name: JANIS H. BARROW, ET AL

Representative: Janis Barrow

Objectors: None

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: May 29, 2002

Resolution No. CZAB14-____-02

Motion:

Per Department _____

Standard Conditions: _____

Per DIC _____

Deferred to: Sept 25, 2002

Approved as Requested _____

Withdrawal _____

Denied Without Prejudice _____

Denied With Prejudice _____

Other: _____

Revised plans accepted? YES _____

Covenant accepted? YES _____

	Yes	No	Absent
Samuel L. Ballinger	✓		
Wilbur B. Bell M	✓		
Mabel G. Dijkstra			✓
Don Jones S	✓		
Curtis Lawrence	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 6 TO 0

EXHIBITS: YES _____ NO ✓

County Attorney: Ronald Bernstein

C. JANIS H. BARROW, ET AL
(Applicant)

02-4-CZ14-1 (02-11)
Area 14/District 9
Hearing Date: 5/29/02

Property Owner (if different from applicant) **Janis & Ted Barrow; Michael Causley.**

Is there an option to purchase ☐/ lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

TEAM METRO SOUTH OFFICE

ENFORCEMENT HISTORY

Janis H Barrow, Et Al

APPLICANT

26025 & 26145 SW 194 AVE,
Miami-Dade County, Fl.

ADDRESS

5/29/2002

DATE

02-11

HEARING NUMBER

ENFORCEMENT HISTORY:

No Violations.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

Applicant Name: JANISH H. BARROW, ET AL

Representative: Janish Barrow

Objectors: _____

Hearing No. 02-4-CZ14-1 (02-11)

Hearing Date: April 2, 2002

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Per Department _____

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Per DIC _____

Deferred to: May 29, 2002

Approved as Requested _____

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Other: Pending Court ruling (Fletcher)

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Covenant accepted? YES _____

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Wilbur B. Bell S	✓		
Mabel G. Dijkstra	✓		
Don Jones	✓		
Curtis Lawrence M	✓		
Dr. Pat Wade	✓		
Charlie McGarey	✓		

VOTE: 7 TO 0

EXHIBITS: YES _____

NO ✓

County Attorney: Ronald Bernstein

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Janis H. Barrow, et al

PH: Z02-11 (02-4-CZ14-1)

SECTION: 26-56-38

DATE: May 29, 2002

COMMISSION DISTRICT: 9

ITEM NO.: C

A. INTRODUCTION

o **REQUESTS:**

- (1) NON-USE VARIANCE OF ZONING REQUIREMENTS to permit four proposed building sites with areas of 2.8 acres, 2.55 acres, 2.54 acres and 2.29 gross acres (5 acres required for each).

REQUEST #1 ON PARCELS "A", "B", "C" & "D"

- (2) NON-USE VARIANCE OF SPACING REQUIREMENTS to permit carport and a barn to be spaced 4' (10' required) from each other.

REQUEST #2 ON PARCEL "C"

- (3) NON-USE VARIANCE OF ZONING REGULATIONS prohibiting structures on or in a right-of-way; to waive same to permit two utility sheds and a carport to encroach into the right-of-way (30' setback required) from the north (side street) property line.

REQUEST #3 ON PARCEL "A"

Plans are on file and may be examined in the Zoning Department entitled "Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will permit the applicant to subdivide two parcels of land into four buildable lots with less lot area than required. In addition, the applicant is also requesting to permit a barn to be spaced less than permitted from a carport and to permit certain structures to encroach into a right-of-way.

o **LOCATION:**

26025 & 26245 S.W. 194 Avenue, Miami-Dade County, Florida.

o **SIZE:** 10 Acres.

o **IMPACT:**

This application will permit the subdivision of two parcels of land into four buildable lots which will provide additional housing for the community. However, the resulting increase in density will have a minimal impact on public services.

B. **ZONING HEARINGS HISTORY:** None.

C. **COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use plan designates the subject property for **agriculture**.
2. The area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).
3. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parceled in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. (Land Use Element, page I-47)

D. **NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU, two single family residences
and groves

Agriculture

Surrounding Properties:

NORTH: AU; single family residences
and a grove

Agriculture

SOUTH: AU; single family residences
and a grove

Agriculture

EAST: AU; single family residence

Agriculture

WEST: AU; avocado grove and a
single family residence

Agriculture

The subject application is located on the east side of SW 194 Avenue, south of theoretical SW 260 Street, in the heart of the agricultural area. Large parcels of avocado groves under Brooks Brothers management lie to the west, across SW 194 Avenue. The subject parcel maintains avocado groves. The surrounding immediate neighborhood is characterized with similar large rural single-family homes and avocado groves.

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	Objects
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. **ANALYSIS:**

This application was deferred from the April 2, 2002 meeting of Community Zoning Appeals Board – 14 due to litigation regarding the appropriate standards to be applied to non-use variances. The subject property is 10 acres and is located at 26025 & 26245 S.W. 194 Avenue. The zoning on the property is AU, Agriculture District, and the plans submitted by the applicant indicate that the property is currently developed as two 5-acre parcels with each containing 1 single-family residence. The applicant proposes to subdivide each 5-acre parcel into two buildable sites for a total of 4 parcels which will range in lot area from 2.29 acres to 2.8 acres where 5 acres are required. In addition, the applicant is seeking to permit a carport and barn to be spaced 4' from each other where 10' is required and to permit two utility sheds and a carport to encroach into the right-of-way of SW 260th Street where a 30' setback is required. Access to two of the proposed sites will be from SW 193rd Avenue and access to the other two proposed sites will be from SW 194th Avenue.

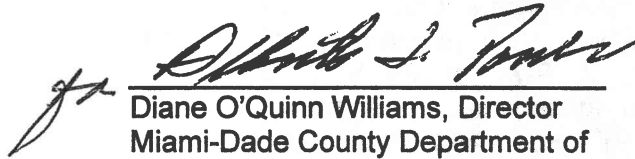
The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. **The Public Works Department objects** to this application. Said Department states in their memorandum pertaining to this application that they object to the two utility sheds and carport which encroach into the right-of-way from the north property line. The proposed development will generate an additional **3 PM** daily vehicle trips to the area; however, the Public Works Department has indicated that the new trips will not affect the current Level of Services which are at LOS "C".

The Adopted 2005 and 2015 Land Use plan designates the subject property for agriculture. The CDMP states that the area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools. In addition, the CDMP further states that the creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. Staff notes that although some of the adjacent properties appear to be subdivided in a manner similar to that proposed by the applicant, this application does not meet the three-sided criteria required by the CDMP for subdivision of parcels within the agriculturally designated area, and as such, is **inconsistent** with same. Notwithstanding, staff notes that the Third District Court of Appeals has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing, and modifications of conditions and covenants. The County Attorney's Office is seeking a review of the decision in the Florida Supreme Court. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. As such, staff recommends that this application be deferred.

I. **RECOMMENDATION:** Deferral.

J. **CONDITIONS:** None.

DATE INSPECTED: 03/12/02
DATE TYPED: 03/12/02
DATE REVISED: 03/12/02, 04/30/02
DATE FINALIZED: 05/20/02
DO'QW:AJT:MTF:REM:NDN


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: February 11, 2002

SUBJECT: C-14 #Z2002000011
Janis H. Barrow, et al
26025 & 26145 SW 194th Avenue
NUV's of Lot Area, Spacing and R-O-
W Requirements to Allow the
Subdivision of an Agricultural Parcel
of Land
(AU)(10 Ac.)
26-56-38

RECEIVED
FEB 13 2002

MIAMI-DADE COUNTY

DIRECTOR'S OFFICE

DEPT. OF PLANNING & ZONING

F. Chelley

FROM: Alyce M. Robertson, Assistant Director
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Water Supply:

Public water is not available to this site. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Wastewater Disposal:

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank system as means for the disposal of the domestic liquid waste provided that the proposed development meets the sewage loading requirements of Section 24-13(3) of the Code. Based upon the available information the proposal meets said requirements. Accordingly, DERM may approve the application and it may be scheduled for public hearing.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Greg Adkins, Planning Division-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Janis H. Barrow, ET AL

This Department objects to this application.

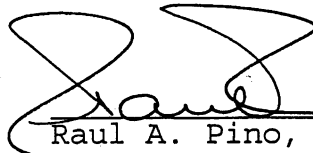
This Department objects to the variance to permit two utility sheds and a carport to encroach into the right-of-way from the north property line.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

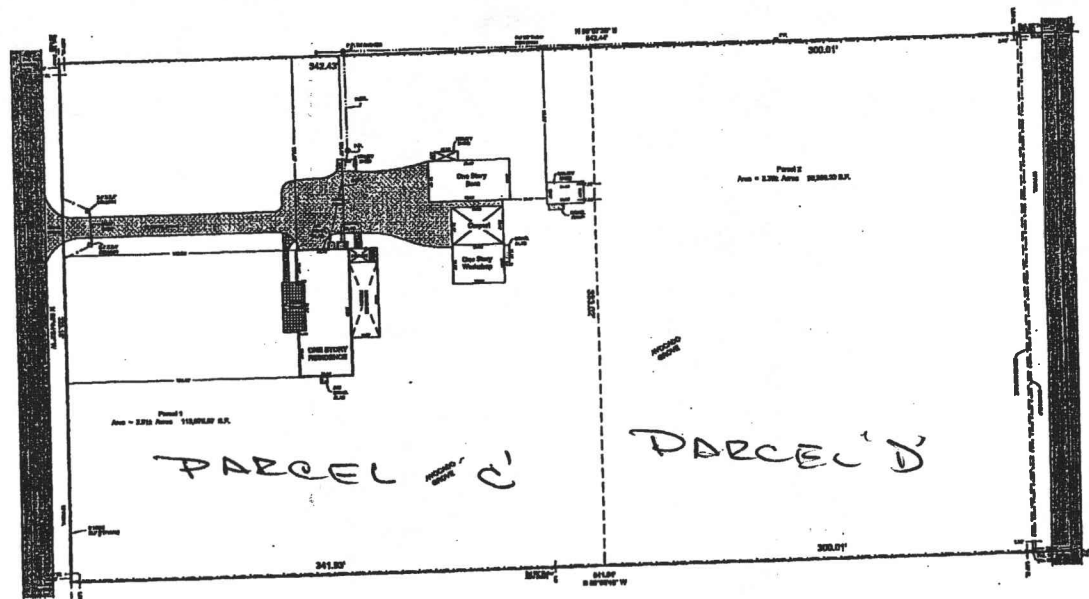
Sta. #		LOS present	LOS w/project
9920	SW 264 St. e/o Krome Ave.	C	C

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.


Raul A. Pino, P.L.S.

MAR. 11 2002

Date



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 BY

LEGAL DESCRIPTION

EMERGENCY TRAC

The South 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 28 South, Range 28 East, L1800 the West 20 feet for Right-of-Way, all lying and being in Clark County, Florida.

PARCEL 1
The South 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Section 26, Township 28 North, Range 20 East, 13E28 the West 28 feet for West 28 feet, as shown and being in DeSoto County, Florida.

PART 2
The East 200 feet of the South 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 26 South, Range 26 East, all lying and being in Clark County, Florida.

POSTAL/ZIP CODE: Michael Crowley, 26146 E.W. 19th Avenue, Howard, FL 32221

- All dimensions smaller than indicated shown here are of approved nature. Please consult by stated nature. Legal ownership of terms and conditions.
- Underground structures, if any, are located.
- Drawings, if shown, are based on approved location to Plot of Record.
- Land shown here is not subjected for encumbrance under right-of-way of road.
- Land shown is not for sale.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	ЕК	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	IJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LU	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV
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LEGAL DESCRIPTION
NTB

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A-22-15
FBI - WASH

2014
MVAHI-060

BY _____

PARENT TRACT

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Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 LIES the North 20 feet over
LIES the West 20 feet of Right-of-Way, Section 26, Township 20 North, Range 20
West. All above and below in Deeds County, Florida.

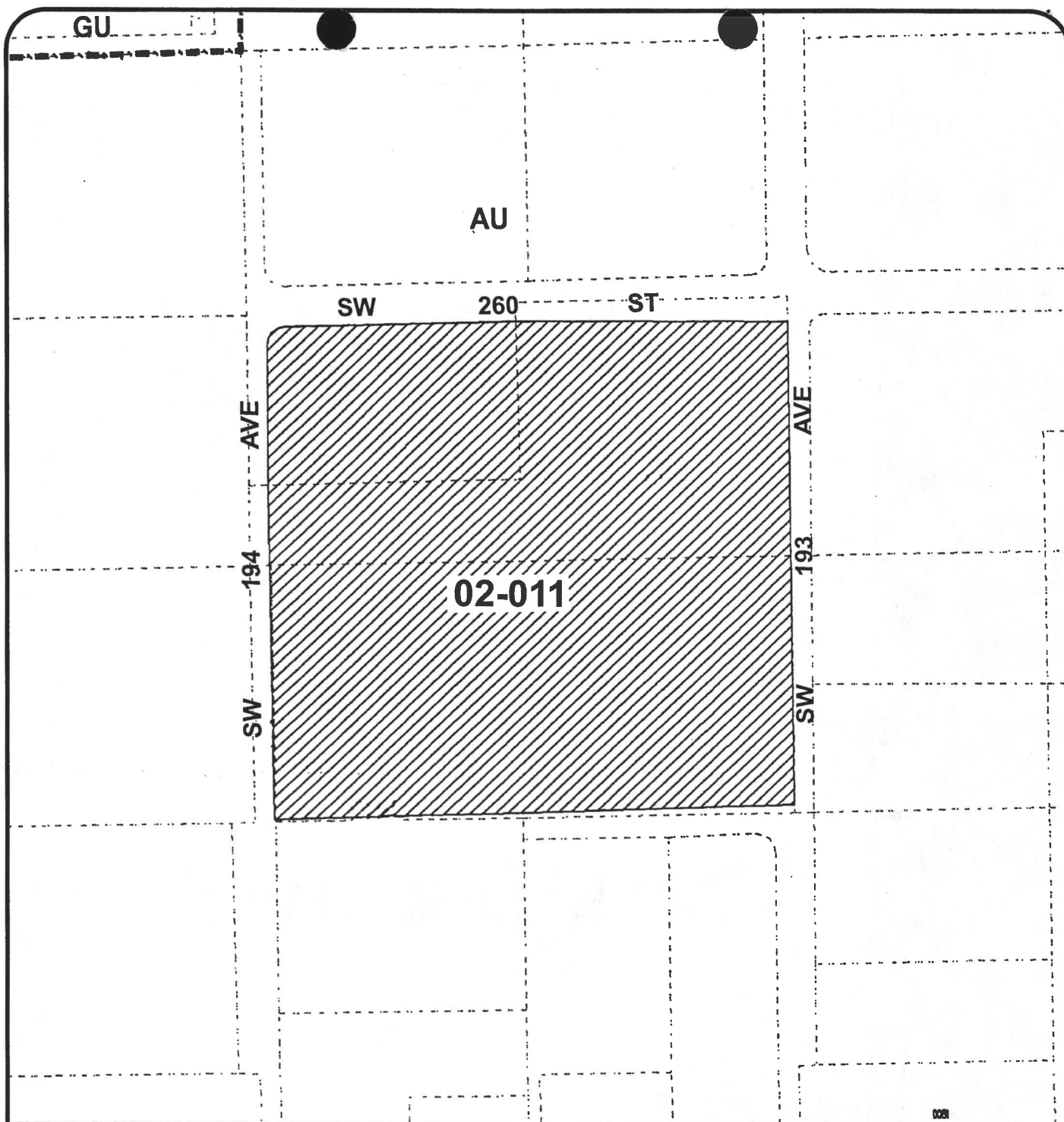
PARCELS 5
The West 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the
Southeast 1/4 LESS the North 20 feet and LESS the West 20 of the North 200 feet
for Right-of-Way, Section 20, Township 24 South, Range 20 East, all lying and
being in Clark County, Florida.

PARCELS 2
The East 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the
Southeast 1/4, Section 20, Township 28 North, Range 20 East, all lying and being
in Duval County, Florida.

PREPARED FOR: Ted Barron & Josh Barron, 2008 S.W. 194th Avenue
Hawthorn, FL 32001

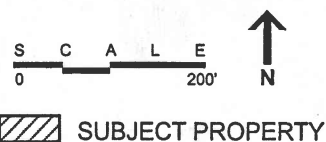
- * All characters and circumstances shown herein are of supposed nature. Please consider by their nature. Legal responsibility of Bureau not accepted.
- * Characterized characters, if any, not limited.
- * Settings, if shown, are based on assumed conditions as of 1st of March.
- * Lead shown herein was not conducted for economic and/or legal of origin of record.
- * Lead character shown for effect.

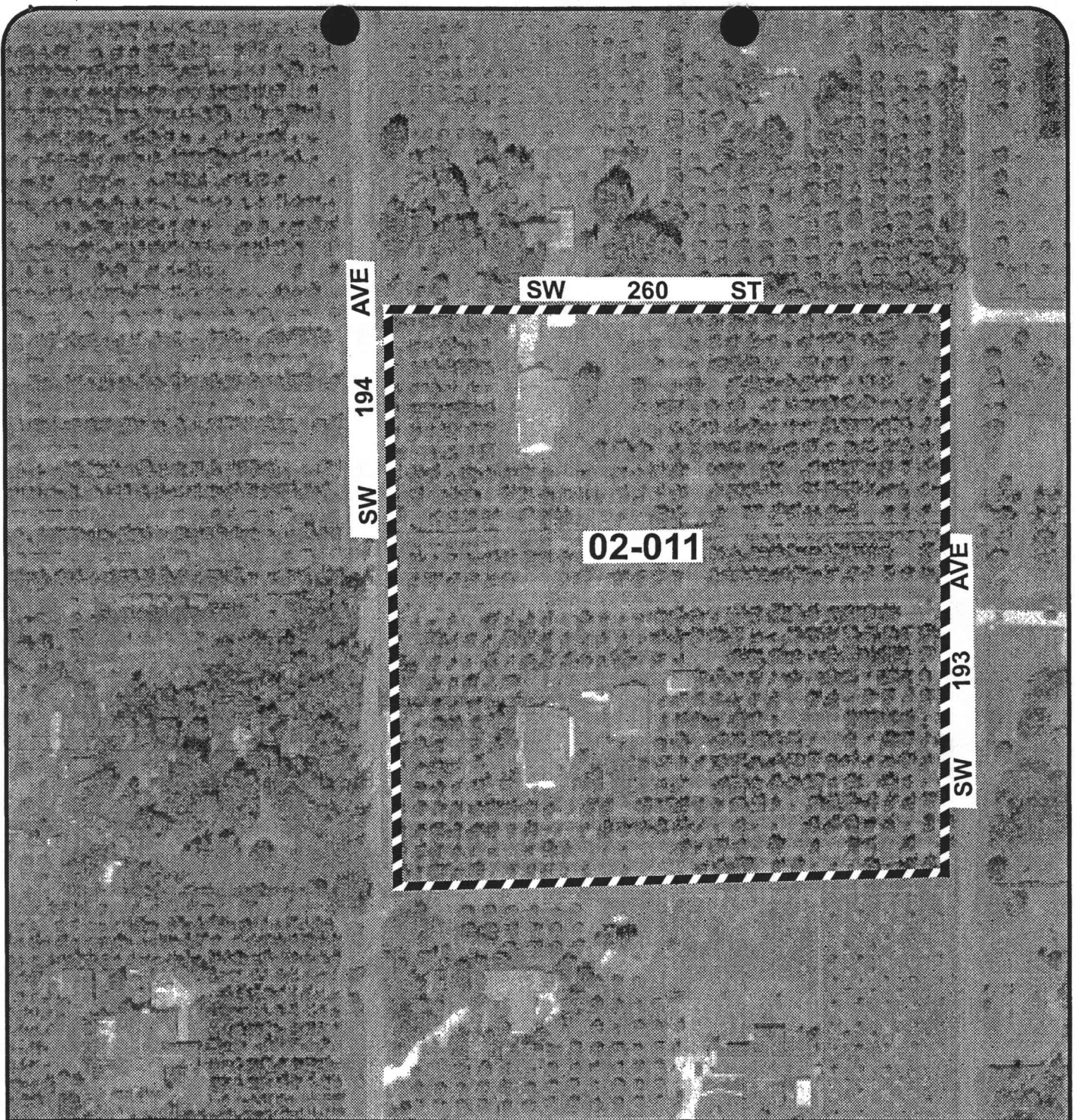
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**MIAMI-DADE COUNTY
HEARING MAP**

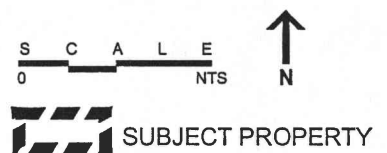
Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'





MIAMI-DADE COUNTY
AERIAL

Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'



2. JANIS H. BARROW, ET AL
(Applicant)

02-4-CZ14-1 (02-11)
Area 14/District 9
Hearing Date: 4/2/02

Property Owner (if different from applicant) **Janis & Ted Barrow; Michael Causley.**

Is there an option to purchase ☐/ lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

TEAM METRO SOUTH OFFICE

ENFORCEMENT HISTORY

Janis H Barrow, Et Al

APPLICANT

26025 & 26145 SW 194 AVE,
Miami-Dade County, Fl.

ADDRESS

04/02/2002

DATE

02-11

HEARING NUMBER

ENFORCEMENT HISTORY:

No Violations.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Janis H. Barrow, et al

PH: Z02-11 (02-4-CZ14-1)

SECTION: 26-56-38

DATE: April 2, 2002

COMMISSION DISTRICT: 9

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUESTS:**

- (1) NON-USE VARIANCE OF ZONING REQUIREMENTS to permit four proposed building sites with areas of 2.8 acres, 2.55 acres, 2.54 acres and 2.29 gross acres (5 acres required for each).

REQUEST #1 ON PARCELS "A", "B", "C" & "D"

- (2) NON-USE VARIANCE OF SPACING REQUIREMENTS to permit carport and a barn to be spaced 4' (10' required) from each other.

REQUEST #2 ON PARCEL "C"

- (3) NON-USE VARIANCE OF ZONING REGULATIONS prohibiting structures on or in a right-of-way; to waive same to permit two utility sheds and a carport to encroach into the right-of-way (30' setback required) from the north (side street) property line.

REQUEST #3 ON PARCEL "A"

Plans are on file and may be examined in the Zoning Department entitled "Boundary Survey," as prepared by Mojarena & Associates, dated revised January 29, 2002 and consisting of 2 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will permit the applicant to subdivide two parcels of land into four buildable lots with less lot area than required. In addition, the applicant is also requesting to permit a barn to be spaced less than permitted from a carport and to permit certain structures to encroach into a right-of-way.

o **LOCATION:**

26025 & 26245 S.W. 194 Avenue, Miami-Dade County, Florida.

o **SIZE:** 10 Acres.

o **IMPACT:**

This application will permit the subdivision of two parcels of land into four buildable lots which will provide additional housing for the community. However, the resulting increase in density will have a minimal impact on public services.

B. **ZONING HEARINGS HISTORY:** None.

C. **COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use plan designates the subject property for **agriculture**.
2. The area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools (Land Use Element, page I-47).
3. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parceled in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. (Land Use Element, page I-47)

D. **NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
AU, two single family residences and groves	Agriculture
<u>Surrounding Properties:</u>	
NORTH: AU; single family residences and a grove	Agriculture
SOUTH: AU; single family residences and a grove	Agriculture
EAST: AU; single family residence	Agriculture
WEST: AU; avocado grove and a single family residence	Agriculture

The subject application is located on the east side of SW 194 Avenue, south of theoretical SW 260 Street, in the heart of the agricultural area. Large parcels of avocado groves under Brooks Brothers management lie to the west, across SW 194 Avenue. The subject parcel maintains avocado groves. The surrounding immediate neighborhood is characterized with similar large rural single-family homes and avocado groves.

E. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	Unacceptable
Location of Buildings:	N/A
Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	Objects
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. **ANALYSIS:**

The subject property is 10 acres and is located at 26025 & 26245 S.W. 194 Avenue. The zoning on the property is AU, Agriculture District, and the plans submitted by the applicant indicate that the property is currently developed as two 5-acre parcels with each containing 1 single-family residence. The applicant proposes to subdivide each 5-acre parcel into two buildable sites for a total of 4 parcels which will range in lot area from 2.29 acres to 2.8 acres where 5 acres are required. In addition, the applicant is seeking to permit a carport and barn to be spaced 4' from each other where 10' is required and to permit two utility sheds and a carport to encroach into the right-of-way of SW 260th Street where a 30' setback is required. Access to two of the proposed sites will be from SW 193rd Avenue and access to the other two proposed sites will be from SW 194th Avenue.

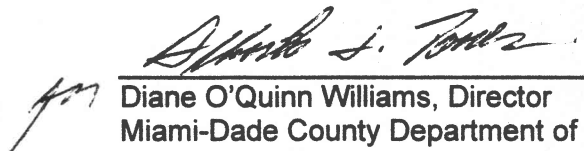
The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. **The Public Works Department objects** to this application. Said Department states in their memorandum pertaining to this application that they object to the two utility sheds and carport which encroach into the right-of-way from the north property line. The proposed development will generate an additional **3 PM** daily vehicle trips to the area; however, the Public Works Department has indicated that the new trips will not affect the current Level of Services which are at LOS "C".

The Adopted 2005 and 2015 Land Use plan designates the subject property for agriculture. The CDMP states that the area designated as "Agriculture" contains the best agriculture land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship and local schools. In addition, the CDMP further states that the creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject property on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. Staff notes that although some of the adjacent properties appear to be subdivided in a manner similar to that proposed by the applicant, this application does not meet the three-sided criteria required by the CDMP for subdivision of parcels within the agriculturally designated area, and as such, is **inconsistent** with same. Based on the aforementioned, staff recommends denial without prejudice of this application and feels that it would be **incompatible** with the surrounding area, would have an unfavorable effect on same, would be contrary to the public interest, and is **inconsistent** with the CDMP.

I. **RECOMMENDATION:** Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 03/12/02
DATE TYPED: 03/12/02
DATE REVISED: 03/12/02
DATE FINALIZED: 03/22/02
DO'QW:AJT:MTF:REM:NDN


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: February 11, 2002

SUBJECT: C-14 #Z2002000011
Janis H. Barrow, et al
26025 & 26145 SW 194th Avenue
NUV's of Lot Area, Spacing and R-O-
W Requirements to Allow the
Subdivision of an Agricultural Parcel
of Land
(AU)(10 Ac.)
26-56-38

RECEIVED
FEB 13 2002

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

F. Chelley

FROM: Alyce M. Robertson, Assistant Director
Environmental Resources Management

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Water Supply:

Public water is not available to this site. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Wastewater Disposal:

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank system as means for the disposal of the domestic liquid waste provided that the proposed development meets the sewage loading requirements of Section 24-13(3) of the Code. Based upon the available information the proposal meets said requirements. Accordingly, DERM may approve the application and it may be scheduled for public hearing.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Greg Adkins, Planning Division-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Janis H. Barrow, ET AL

This Department objects to this application.

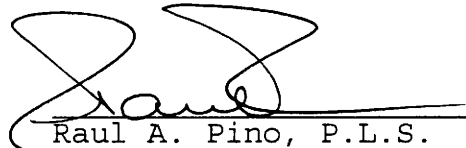
This Department objects to the variance to permit two utility sheds and a carport to encroach into the right-of-way from the north property line.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **3 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9920	SW 264 St. e/o Krome Ave.	C	C

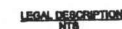
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A. Pino, P.L.S.

MAR. 11 2002

Date



202-11
FEB 1 2002
ZONING DEPT. - PLANNING & ZONING
MAYOR-DAVIS
BY *DD*

LEGAL CONSIDERATIONS

PARENT TRACT
The South 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 26,
Township 28 South, Range 26 East, LBSE the West 26 feet for Right-of-Way, all lying and
being in Travis County, Texas.

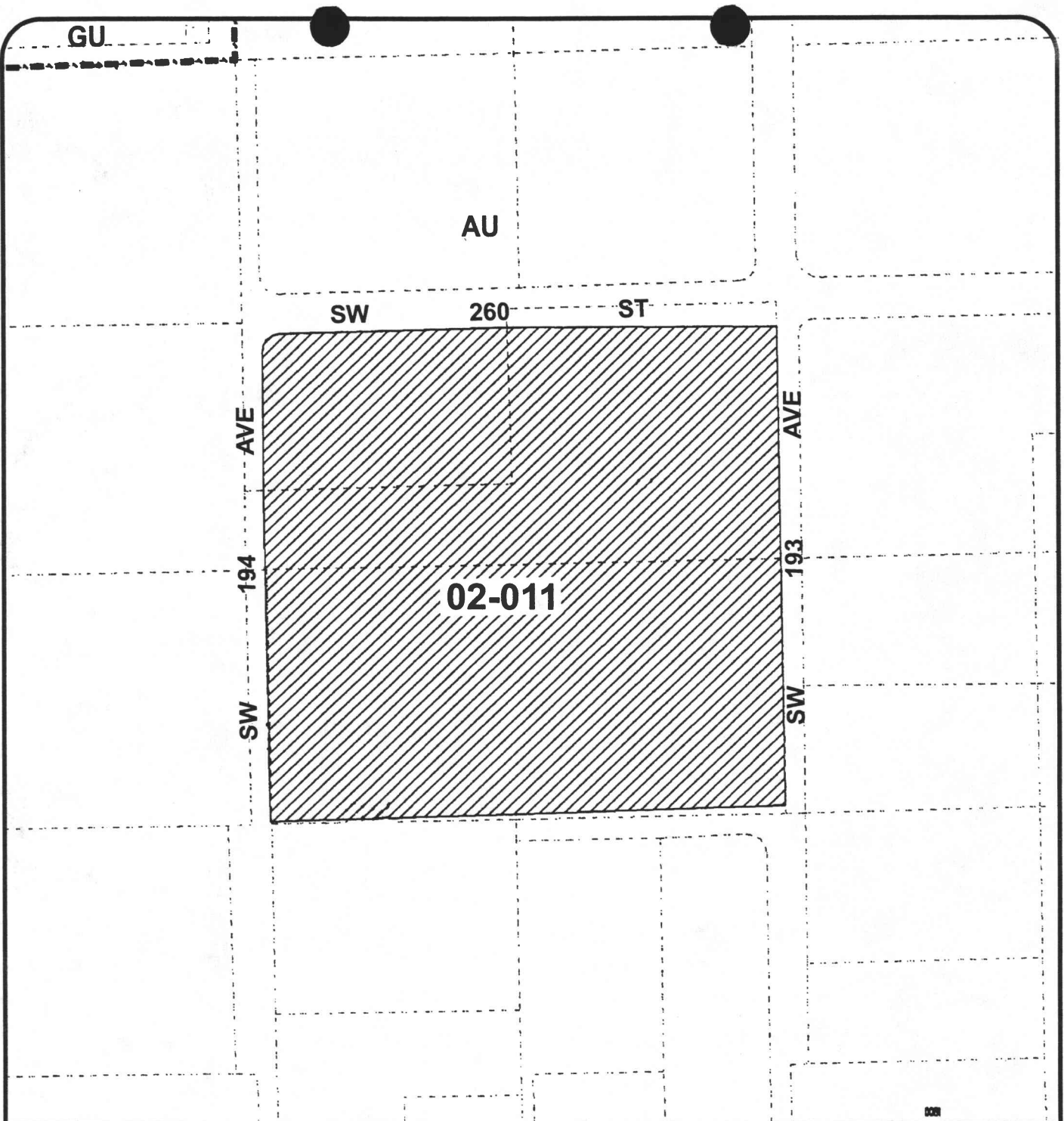
PAGE 1
The South 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 less the East 20 feet of Section 26, Township 28 South, Range 30 East, L100E the West 20 feet for

PARCEL 2
The West 200 feet of the South 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 28, Township 28 South, Range 28 East, all lying and being in Clark County,

Publ. _____

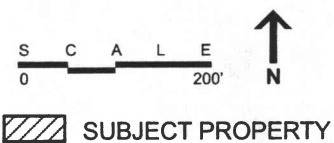
- All documents and correspondence between are of equal value. Please identify by visual means. Legal ownership of items not determined.
- Unlabeled documents, if any, not bound.
- Booklets, if shown, are based on accepted notation or Plot of Record.
- Labels always between were not distributed for comments under right-of-way of record.
- Legal documents are not to be used.

[illegible]



**MIAMI-DADE COUNTY
HEARING MAP**

**Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'**





MIAMI-DADE COUNTY
AERIAL

Section: 26 Township: 56 Range: 38
Process Number: 02000011
Applicant: JANIS BARROW
District Number: 09
Zoning Board: C14
Drafter ID: CIRO
Scale: 1:200'

